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09/683,426	12/27/2001	George Brookner	ASCO.P-070	8729
57380	7590	06/20/2006	EXAMINER	
OPPEDAHL & OLSON LLP P.O. BOX 5388 DILLON, CO 80435-5388			DIXON, THOMAS A	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

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Application Number: 09/683,426
Filing Date: December 27, 2001
Appellant(s): BROOKNER, GEORGE

Jessica L. Olson
(53,413)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12 March 2006 appealing from the
Office action mailed 14 July 2005

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,717,594	KARA	2/1998
5,953,426	WINDEL et al	9/1999
WO 95/20200	RUAT	7/1995

(9) Grounds of Rejection

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

9a) Claims 1-5,7-14,16-24,26-29,37-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Kara (5,717,597).

As per Claim 1.

Kara discloses:

requiring, as a precondition of purchasing at least one postal indicium, receipt of a first information about a purchaser's identity,, see column 5, lines 26-34 and figure 1B (186) smart card and signup for the service, figure 2 (203), specifically full name and address of owner, EIN # (if organization) or Social Security # (if individual);

deriving, by electronic computation a second information from the first information, see reading of the smart card and generation of encrypted indicia;

printing the second information upon the at least one postal indicium, see figures 16A-B, and column 16, lines 35-60;

receiving an addressed mail piece with indicium into the mail and delivering the mail piece.

As per Claim 2, 11, 21.

Kara further discloses the postal indicium is an adhesive postage stamp, see figure 16A.

As per Claim 3, 12, 22.

Kara further discloses the postal indicium is a meter strip, see column 16, line 67.

As per Claim 4, 13, 23.

Kara further discloses the postal indicium is printed on an envelope, see figure 16B and column 16, line 66.

As per Claim 5 14, 24.

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Kara further discloses the postal indicium is printed on a postcard, see figures, 16A-B.

As per Claim 7, 16, 26.

Kara further discloses the postal indicium is a visibly printed bar code, see column 16, lines 36-60 and figure 16B.

As per Claim 8, 17, 27.

Kara further discloses the second information is a human readable message, see figure 16A.

As per Claim 9, 18, 28.

Kara further discloses including number of postage indicia comprising a plurality, see column 16, lines 36-60 for separate indicia, wherein the printing, receiving, and delivering steps are carried out without respect to each of the plurality of indicia.

As per Claim 10.

Kara discloses:

requiring, as a precondition of receiving at least one addressed mail piece into the mail, that the postal indicium bear second information derived by electronic computation from a first information indicative of the purchaser, see reading of the smart card and generation of encrypted indicia, generated after registration figure 2 (203), specifically full name and address of owner, EIN # (if organization) or Social Security # (if individual), column 16, lines 35-60, column 5, lines 26-34 and figure 1B;

receiving an addressed mail piece with indicium into the mail and delivering the mail piece.

As per Claim 19, 29.

Kara further discloses information about the identity is cryptographically signed and inherently the postal service checks any cryptographically signed information, see column 5, lines 26-34.

As per Claim 20.

Kara discloses:

requiring, as a precondition of delivering at least one addressed mail piece, that the postal indicium bear second information derived by electronic computation from a first information indicative of the purchaser, see reading of the smart card and generation of encrypted indicia, generated after registration figure 2 (203), specifically full name and address of owner, EIN # (if organization) or Social Security # (if individual), column 16, lines 35-60, column 5, lines 26-34 and figure 1B;

receiving an addressed mail piece with indicium into the mail and delivering the mail piece.

As per Claim 37.

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Kara discloses:

information indicative of a postal amount printed by a first process, see figures 16A-B, and column 16, lines 35-60;

information indicative of a country printed by the first process, see figures 16A-B, and column 16, lines 35-60, inherently the system will print the country as part of the indicium, see U.S.POSTAGE;

cryptographically signed information indicative of an identity of a purchaser of the adhesive postal indicium, see registration figure 2 (203), specifically full name and address of owner, EIN # (if organization) or Social Security # (if individual), column 16, lines 35-60;

the cryptographically signed information printed by a different process than the first process, see column 16, lines 35-60 and column 5, lines 26-34.

As per Claim 38.

Kara discloses:

information indicative of a postal amount printed by a first process, see figures 16A-B, and column 16, lines 35-60;

information indicative of a country printed by the first process, see figures 16A-B, and column 16, lines 35-60, inherently the system will print the country as part of the indicium, see U.S.POSTAGE;

cryptographically signed information indicative of an identity of a purchaser of the adhesive postal indicium, see registration figure 2 (203), specifically full name and address of owner, EIN # (if organization) or Social Security # (if individual), column 16, lines 35-60;

the cryptographically signed information printed by a different process than the first process, see column 16, lines 35-60 and column 5, lines 26-34.

As per Claim 39.

Kara discloses:

a plurality of adhesive indicia including information indicative of a postage amount, see figures 16A-B and information indicative of a country, see figures 16A-B, and column 16, lines 35-60, inherently the system will print the country as part of the indicium, see U.S.POSTAGE; and

a printer printing cryptographically signed information printed by a different process than the first process, see column 16, lines 35-60 and column 5, lines 26-34.

As per Claim 40.

Kara discloses:

receiving information indicative of an identity of a purchaser of the adhesive postal indicia, see registration figure 2 (203), specifically full name and address of owner, EIN # (if organization) or Social Security # (if individual), column 16, lines 35-60;

cryptographically signing the information indicative of the identity of the purchaser of the adhesive postal indicia, see registration figure 2 (203), specifically full

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name and address of owner, EIN # (if organization) or Social Security # (if individual), column 16, lines 35-60 and column 5, lines 26-34; and

printing upon the adhesive postal indicia, by means of the printer information indicative of the cryptographically signed information, see figures 16A-B multi-dimensional bar code.

9b) Claims 30-31, 41-42 are rejected under 35 U.S.C. 102(b) as being anticipated by

Ruat (WO 95/20200).

As per Claim 30.

Ruat discloses:

receiving a delivered mail piece bearing a postal indicium, the postal indicium bearing second information derived by electronic computation from first information indicative of the identity of the sender, see page 10;

reading the information indicative of the identity of the sender, see page 10, paragraph 3, and

determining whether the sender whose identity is indicated by the second information is on the list of expected senders, see the sender's information can contain a customer number, see page 10, penultimate paragraph, inherently, if the sender's identity can be confirmed and the sender's information is the customer number, the system must have a customer list (expected senders) to check against.

As per Claim 31.

Ruat further discloses the step, performed in the event of the sender not being on the list of expected senders, of inspecting the delivered mail piece, see 2nd and 3rd paragraphs of page 10.

As per Claim 41.

Ruat discloses:

receiving a delivered mail piece bearing a postal indicium, the postal indicium bearing second information derived by electronic computation from first information indicative of the identity of the sender, see page 10;

reading, by the recipient, the second information indicative of the identity of the sender, see page 10, paragraph 3; and

determining, by the recipient, whether the sender whose identity is indicated by the second information is on the list of expected senders, see page 10, penultimate paragraph, inherently, if the sender's identity can be confirmed and the sender's information is the customer number, the system must have a customer list (expected senders) to check against.

As per Claim 42.

Ruat further discloses the information indicative of the identity of the sender that is borne in the postal indicium is cryptographically signed, and further characterized in

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that the reading step further comprises checking the cryptographic signature, see 2nd and 3rd paragraphs of page 10.

Claim Rejections - 35 USC § 103

9c) Claims 6, 15, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kara in view of Windel et al (5,953,426).

As per Claims 6, 15, 25.

Kara does not explicitly disclose an invisibly printed bar code.

Windel et al teaches second information is an invisibly printed bar code, as required by the USPS, see column 46.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to print an invisible bar code in order to comply with USPS requirements.

9d) Claims 32, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruat in view of Windel et al (5,953,426).

As per Claims 32, 43.

Ruat does not explicitly disclose in the event that the sender not being on the list of expected senders, inspecting the mailpiece.

Windel et al teaches inspecting a mailpiece, for the purpose of identifying the true sender when manipulation is found, see column 7, lines 32-46.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to inspect the to determine the true sender of a mail piece when manipulation is found.

(10) Response to Argument

10a. Applicant's arguments regarding Kara are to the Examiner's use of the terms "individual," "user, and "customer" from the Kara reference interchangeably and that these terms are further different from applicant's term "purchaser".

Kara discloses that "Before an individual can become an authorized user of an E-STAMP program, he must first acquire a copy of the program, register his program... and execute a license agreement" and further discloses two ways to acquire and register the program, directly from Post N Mail or from a retail outlet..."an individual can buy a postage storage device 18, containing a small quantity of postage, with a small quantity of postage, with a copy of the E-STAMP program. That individual will then install the E-STAMP program on a processor-based system..." see column 5, line 45 – column 6, line 50.

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The requirement that an "individual" buy a postal storage device (PSD) and its associated program is seen to inherently transform the "individual" into a "purchaser" and then at registration, an authorized "user" therefore, "individual" = "purchaser" = "user" and further the registration of the program and the PSD is necessary BEFORE the user/purchaser can use the postage.

Kara moves from the term "user" to the term "customer" between lines 31 and 39 of column 12, during the description of the validation of the (PSD alternately called a TMU - Touch Memory Utility) the which appears to make the terms equivalent and therefore the "purchaser" = "user" = "customer."

Applicant further argues that Kara does not disclose printing said second information upon at least one postal indicium...indicative of the identity of the purchaser. And identifies only the "sender's zip code" as a possible identification of the "customer" As indicated above the purchaser, user and customer are equivalent terms, and Kara discloses the an encrypted message may be printed separately from the postal indicium and include any combination of information including the PSD serial number, E-STAMP serial number, PNM registration number, user's identification number (each of which are indicative of the identity of the purchaser, see column 16, lines 41-60.

10b. Applicant again argues the difference between the individual, user, customer and purchaser, as responded to in 10a.

10 c. Applicant again argues the difference between the individual, user, customer and purchaser, as responded to in 10a.

10d. Applicant's arguments regarding Raut are that Ruat discloses receipt and processing of mail to identify the recipient, but does not disclose checking against a list of expected senders.

Ruat does disclose that, but Ruat further discloses that the sender's identity is confirmed, see page 10, paragraph 3, which is done by reading and decrypting the information from the envelope and that the sender's information can contain a customer number, see page 10, penultimate paragraph, inherently, if the sender's identity can be confirmed and the sender's information is the customer number, the system must have a customer list (expected senders) to check against.

10 e. Applicant again argues the difference between the individual, user, customer and purchaser, as responded to in 10a.

10 f. Applicant again argues the difference between the individual, user, customer and purchaser, as responded to in 10a.

10g. Applicant argues the anticipation of claims by Raut as answered in 10d.

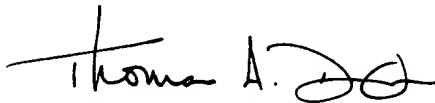
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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

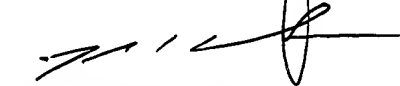
Respectfully submitted,



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